

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DENNIS COOK,	:	CASE NO. 1:02cv00073
	:	(J. Weber)
Plaintiff	:	
	:	
vs.	:	
	:	
CITY OF NORWOOD, et al.,	:	
	:	
Defendants	:	

**SPECIAL VERDICTS**

We, the jury, unanimously determine our Special Verdicts as follows:

PART I

1. Did plaintiff Dennis Cook ("Plaintiff") prove by a preponderance of the legal evidence that he has a "disability" as defined in the instructions?

YES \_\_\_\_\_ NO \_\_\_\_\_

*PROCEED TO THE NEXT SPECIAL VERDICT.*

2. Did plaintiff prove by a preponderance of the legal evidence that Defendants regarded him as having mental limitations which precluded him from performing the job as lead man without reasonable accommodation?

YES \_\_\_\_\_ NO \_\_\_\_\_

*IF YOU ANSWERED **YES** TO **EITHER** SPECIAL VERDICT ONE OR SPECIAL VERDICT TWO, PROCEED TO THE NEXT SPECIAL VERDICT; IF YOU ANSWERED **NO** TO **BOTH** SPECIAL VERDICTS ONE AND TWO, PROCEED TO PART TWO.*

3. Did plaintiff prove by a preponderance of the legal evidence that he was a “qualified individual with a disability,” as defined in the instructions, who could perform the essential functions of his job?

YES \_\_\_\_\_ NO \_\_\_\_\_

*IF ANSWER IS **YES** GO ON TO NEXT SPECIAL VERDICT, IF **NO** PROCEED TO PART TWO.*

4. Did plaintiff prove by a preponderance of the evidence that defendants took adverse employment action against him as the term is defined in the instructions?

YES \_\_\_\_\_ NO \_\_\_\_\_

*IF ANSWER IS **YES** GO ON TO NEXT SPECIAL VERDICT, IF **NO** PROCEED TO PART TWO.*

5. Did defendants prove by a preponderance of the legal evidence that a legitimate, non-discriminatory reason exists for the job action taken with respect to plaintiff?

YES \_\_\_\_\_ NO \_\_\_\_\_

*IF ANSWER IS **YES** GO ON TO NEXT SPECIAL VERDICT, IF **NO** PROCEED TO SPECIAL VERDICT SEVEN.*

6. Did plaintiff prove by a preponderance of the legal evidence that defendants’ stated reasons for the job action were pretextual?

YES \_\_\_\_\_ NO \_\_\_\_\_

*IF ANSWER IS **YES** GO ON TO NEXT SPECIAL VERDICT, IF **NO** PROCEED TO PART TWO.*

7. Did plaintiff prove by a preponderance of the legal evidence that defendants intentionally discriminated against him because of his disability or because of a perceived disability?

YES \_\_\_\_\_ NO \_\_\_\_\_

*IF ANSWER IS **YES** GO ON TO NEXT SPECIAL VERDICT, IF **NO** PROCEED TO PART TWO.*

8. Did plaintiff prove by a preponderance of the legal evidence that he is entitled to damages from defendants as a result of defendants' violation of law?

YES \_\_\_\_\_ NO \_\_\_\_\_

PART II

9. Did plaintiff prove by a preponderance of the legal evidence that he has a "disability" as defined in the instructions?

YES \_\_\_\_\_ NO \_\_\_\_\_

*IF ANSWER IS **YES** GO ON TO NEXT SPECIAL VERDICT, IF **NO** PROCEED TO PART THREE.*

10. Did plaintiff prove by a preponderance of the legal evidence that he was a "qualified individual with a disability," as defined in the instructions, who could perform the essential functions of his job?

YES \_\_\_\_\_ NO \_\_\_\_\_

*IF ANSWER IS **YES** GO ON TO NEXT SPECIAL VERDICT, IF **NO** PROCEED TO PART THREE.*

11. Did plaintiff prove by a preponderance of the legal evidence that he made a request of defendants for reasonable accommodation?

YES \_\_\_\_\_ NO \_\_\_\_\_

*IF ANSWER IS **YES** GO ON TO NEXT SPECIAL VERDICT, IF **NO** PROCEED TO PART THREE.*

12. Did plaintiff prove by a preponderance of the legal evidence that defendants failed to provide plaintiff with a reasonable accommodation as that term is defined in the instructions?

YES \_\_\_\_\_ NO \_\_\_\_\_

*IF ANSWER IS **YES** GO ON TO NEXT SPECIAL VERDICT, IF **NO** PROCEED TO PART THREE.*

13. Did defendants prove by a preponderance of the legal evidence that making a reasonable accommodation for plaintiff's disability would cause defendants undue hardship?

YES \_\_\_\_\_ NO \_\_\_\_\_

*PROCEED TO THE NEXT SPECIAL VERDICT.*

14. Did defendants prove by a preponderance of the legal evidence that it made a good faith effort to provide plaintiff with a reasonable accommodation for his disability?

YES \_\_\_\_\_ NO \_\_\_\_\_

*IF ANSWER IS **YES** GO TO PART THREE, IF NO PROCEED TO NEXT SPECIAL VERDICT.*

15. Did plaintiff prove by a preponderance of the legal evidence that he is entitled to damages from defendants as a result of defendants' violation of law?

YES \_\_\_\_\_ NO \_\_\_\_\_

### PART III

***IF AND ONLY IF YOU HAVE ANSWERED "YES" TO EITHER SPECIAL VERDICTS 8 OR 15 ABOVE, PLEASE ANSWER THE NEXT SERIES OF SPECIAL VERDICTS . IF YOU ANSWERED BOTH "NO", PROCEED TO SIGN THE SPECIAL VERDICTS.***

16. What amount of damages in dollars has plaintiff proved by a preponderance of the legal evidence that he is entitled to receive from defendants as a direct result of defendants' violation of law?

a. Back pay \_\_\_\_\_

b. Other Compensatory Damages \_\_\_\_\_

*PROCEED TO THE NEXT SPECIAL VERDICT.*

17. Did defendants prove by a preponderance of the legal evidence that plaintiff failed to make a reasonable effort to mitigate his damages, if any, or has been unavailable for work for a certain period of time?

YES \_\_\_\_\_ NO \_\_\_\_\_

*IF ANSWER IS **YES** GO ON TO THE NEXT SPECIAL VERDICT, IF **NO** PROCEED TO SIGN THE SPECIAL VERDICTS.*

18. Please state the amount in dollars by which defendants has proven by a preponderance of the legal evidence that plaintiff's damages should be reduced due to his failure to mitigate his damages or his unavailability for work?

\$ \_\_\_\_\_

PROCEED TO SIGN THE SPECIAL VERDICTS.

*PLEASE SIGN YOUR NAMES BELOW.*

_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
Date